

Amendment
Serial No. 10/682,155

5000-1-473

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-9 are pending and stand rejected

Claims 4, and 7-9 have been amended.

Claim 4 is objected to for containing a typographical error.

Applicant thanks the Examiner for his observation and has amended the claims as indicated by the Examiner.

For that amendment made to the claim, applicant submits that the reason for objection has been overcome.

Claims 7-9 stand rejected under 35 USC §101 as allegedly being directed to non-statutory subject matter.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, applicant has elected to amend independent claim 7 as suggested by the Examiner to recite a computer-readable medium, as suggested, and further to recite a processor in which the code may be loaded to execute the claimed subject matter.

For that amendment made to the claim, applicant submits that the reason for rejection has been overcome.

Claims 1-6 stand rejected under 35 USC §103 as being unpatentable over Blahut (USP no. 6,796,555) in view of Kato (USP no. 6,233,255) and further in view of Sullivan (USP no. 7,245,585).

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. The Examiner has referred to Blahut for teaching the claim elements of an ONU and VC ATM cell classifier for header detection and payload processing wherin a VC filter classifies ATM cells by their VC header data and an MPEG2 decoder processing the payload portion of the ATM cells. The Examiner acknowledges that Blahut fails to disclose either PID analyzers or a switch for distributing the broadcast channel chosen by a subscriber to the subscriber.

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The Examiner refers to Kato for disclosing a switch (Fig. 13) for distributing the selected channel to the requesting subscriber.

However, contrary to the Examiner's position that Kato teaches a switch, a reveal of the teaching of Figure 13 shows that Kato teaches a multiplexer (9) that combines multiple streams, provided by individual programming generating sections (7) into a single stream 112x.

Hence, rather than Kato disclosing a switch that may be used to isolate information so that the requesting user receives only the requested information, Kato discloses combining information of all programs so that all users receive all the information..

Thus, if the multiplexer of Kato were included in the ONU of Blahut, the combination would not be comparable to the claim element "a switch for receiving broadcast channel data output from the PID analyzers and switching the received broadcast channel data to a broadcast channel desired by a subscriber under the control of the controller," recited in claim 1. Rather the multiplexer of Kato would act as combining the information and would not isolate a broadcast channel so as to deliver the desired broadcast channel to the requesting user.

A claim is not obvious over one or more prior art references unless the prior art references, alone or in combination, teach all features recited in the claim, or the feature was generally known in the art and that it would within the knowledge of those skilled in the art to incorporate such feature into the prior art.

The present rejection of the claims cannot be maintained as the combination of Blahut and Kato fails to recite a material element recited in the claims and Sullivan fails to provide any teaching to correct the teachings found to be lacking in Blahut and Kato.

Thus, even if the teachings of the cited references were combined as suggested by the Examiner, the combination would not include all the elements recited in the independent claims and, hence, are not rendered obvious.

For at least this reason, applicant submits that the rejection of the claims has been overcome and respectfully requests that the rejection be withdrawn.

With regard to the rejection of the remaining claims, these claims depend from the

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independent claim 1 and are also allowable by virtue of their dependency upon an allowable base claim, without arguing the merits of the claims individually.

Claims 7-9 stand rejected under 35 USC §103 as being unpatentable over Blahut (USP no. 6,796,555) in view of Kato (USP no. 6,233,255) and further in view of Sullivan (USP no. 7,245,585) and further in view of Kumar (USP no. 7,085,279).

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

The references used in rejecting claims 7-9 are the same as those cited in rejecting independent claim 1 and, as argued above, even if the teachings of the references were combined as suggested by the Examiner, the combination would not include all the elements recited in the independent claim and, hence, are not rendered obvious.

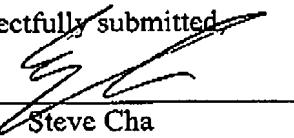
Accordingly, independent claim 7 and dependent claims 8 and 9 are not rendered obvious in view of the recited references as the combination of the references fails to recite all the elements recited in the claims.

For the amendments made to the claims, applicant submits that the rejections of the claims has been overcome and respectfully requests that the rejection be withdrawn.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Should the Examiner find that the prosecution of this application may be furthered by a telephone call the Examiner is invited to contact the below named attorney.

Respectfully submitted,


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